

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE**

TUESDAY, MAY 29, 2012

6:00 PM

ATTENDANCE: Council members: Paoletto; Co-chair, Blunt; Co-chair,
Bonney, Martinez

NON-COMMITTEE: Council members: Brannelly, Olson, M. McCarthy, Lyons,
Brantley

COUNCIL PRESIDENT: T. McCarthy

Co-chair Paoletto called the meeting to order at 6:06 pm.

Co-Chair Paoletto stated that item 68-11 passed in committee.

He stated that item 67-11 still needed finalizing.

He further stated that Associate Attorney Schmidt would submit final copies of the ordinance on Wednesday.

Co-chair Paoletto announced that Item 68-11 would be heard first:

**1) Proposed Amendments to the Municipal Code of Ordinances, amend
Chapter 5.12 Massage Establishments and Massage Therapists (68-11)**

Co-chair Paoletto asked if there was anyone present to speak against changing the ordinance.

There were none heard.

Co-chair Paoletto asked if there was anyone present to speak in favor of the ordinance.

Don Greenburg – stated that he would waive his comments since, due to the fact that the ordinance already passed in committee.

Co-chair Paoletto requested that all the speakers keep their comments between three and five minutes.

Beth Lazarre - waived her comments.

Pat Fardy - asked exactly what was contained in the ordinance that was approved, noting that is long document. Co-chair Paoletto said he didn't have the document available and he suggested that she contact Council member Brannelly who had more details about the ordinance.

Council member Brannelly gave a brief overview of the ordinance. She stated that the general changes consisted of the ordinance that was mirrored after the Town of Berlin. She explained that they ended up taking the document and pulled specific elements out of it that pertained to massage parlor establishments and applied to the existing ordinance from a public health point of view. She went on to say that the ordinance is more public health focused as it relates to licensure and they also added other dimensions to it. The ordinance will follow state law and she clarified that there will be no "grandfathering". And as far as the zoning issue, she said that nothing has changed as it pertained to massage establishments. Overall, the ordinance will be more legitimate and enforced.

Stephanie Barnes - waived her comments.

Auden Groggins - stated she was informed of the state law that's consistent with the ordinance. She relayed that when the ordinance goes before the city council for approval, it should be reflected to incorporate the state law. She mentioned that she would submit the state statute number that applies to Council member Brannelly prior to the next city council meeting.

City Attorney Anastasi clarified that they were looking to work within the guidelines of the state law. However, he noted that any addition information could be submitted to Council member Brannelly as backup information.

Maxine Greenburg – commented that she had strong feelings about the matter from Black Rock residents. She said she hoped the ordinance would increase enforcement.

Hearing none, the public hearing was closed.

2) Proposed Amendment to the Municipal Code of Ordinances, amend to add new Chapter 8.81 Sexually Oriented Business Ordinance (67-11)

Co-chair Paoletto read the ordinance into the record.

Co-chair Paoletto asked if there was anyone present that was against the city council changing anything that is outlined in the ordinance.

Let it be noted that the following statements have been summarized:

Joe Regensorge – submitted a statement that is summarized here. His statement outlined that he represented 500 North Avenue LLC and they have received a favorable decision in Federal Court in the case of 500 North Avenue v. The City of Bridgeport relating to adult entertainment and they are working with the City Attorney's Office to settle the case.

Also outlined in the statement indicated that they are not opposed to what the city council is attempting to do, but they would like to remove what their legal counsel believes are serious First Amendment violations.

Mr. Regensorge concluded his statement to ask permission to speak at the next committee meeting.

City Attorney Anastasi responded that this was a public hearing **only** and that no decision would be made tonight. He further stated that at the appropriate time, the City Council and/or Ordinance Committee would enter into executive session as a council and make a determination. He clarified that the city attorney's office and the committee would continue any dialogue in executive session. He clarified that Mr. Regensorge's request to speak at the next committee meeting would be determined by the co-chairs of the Ordinance Committee.

Mr. Cummings - stated that he didn't feel anything should be changed in the ordinance and he said he thought that spending more money to take business away is not the way to do it. He felt it was important to avoid another lawsuit.

Russell Capizello - asked what they were trying to change in the ordinance as it pertained to gentlemen's clubs. Attorney Anastasi clarified once again that this was a public hearing only and **not** a public debate.

Co-chair Paoletto responded to Mr. Capizello's question and stated that a copy of the ordinance would be available after Wednesday for public review. He said he would allow Council member Brannelly to give a brief overview of what's contained in the ordinance.

Attorney Anastasi stated that any commentary by Council member Brannelly would be heard as a good faith gesture only and **not to be taken as warranty.**

Council member Brannelly stated that the original ordinance was proposed and for the Town of Berlin. She said a brand new ordinance was created and the main gist of it concerns public health for patrons and employees. She added that it also pertains to licensure, registering, adhering to the zoning regulations, complying with the police department and health department guidelines. She noted that some of the chapters outlined in the ordinance related to:

- Expiration
- Renewals
- Operating requirements
- Inspections
- Penalties

She continued and said the ordinance outlines specific definitions as to what constitutes a violation.

Co-chair Paoletto reiterated that the public will be able to review the ordinance after Wednesday.

Russell Capizello - spoke on behalf of Scruples Gentlemen's Club. He said they have been in business for twenty-seven years and they have never received any prostitution violations in all those years. He mentioned that if they eliminate the lap dance buffer, business would be lost. He explained that lap dancers don't include bottomless (dancers keep their bottoms on). He said the lap dance area is an open space area with no cubicles or doors. He stressed that lap dances aren't sex. He emphasized that if they stop lap dancing, they may as well stop dirty dancing - *he briefly demonstrated the movements of dirty dancing with a female he was present with; to make the point that it can be more provocative than lap dancing.* He repeated that in twenty-seven years there have been 0 prostitution violations.

Richard Urban - emphasized that all the changes in the ordinance were crazy.

Co-chair Paoletto asked if there was anyone present to speak in favor of the ordinance.

Don Greenburg - said he has been a resident of the city for 16 years. He commented that a reasonable regulation is appropriate as it was ruled during 1996 in New York; as

cited in “Young vs. America 1996”. He emphasized that they shouldn’t allow a slap lawsuit simply to delay passing the ordinance. He stated that these establishments should be regulated and appropriate for the safety of patrons and workers. He noted that the ordinance should serve as a deterrent for what is good for the city.

Beth Lazarre - said she had a concern that these establishments may promote human trafficking and prostitution. She commented that some establishments are sometimes fronts for these types of conditions.

Pat Fardy – stated she was glad the ordinance would be adopted to address the issues associated with these establishments. She said she felt that the city is too flooded with these types of establishments. She said she personally thought that a 1,000 ft. rule should apply to maintain the safety of children getting out of school. She said she hoped the city council adheres to the ordinance when it’s passed and she suggested that the 500 ft. rule should apply. She ended to say that she hoped the ordinance would be submitted to the city council as it was written.

Auden Groggins – stated that the ordinance doesn’t affect legitimate businesses and it will protect the safety and welfare of illegitimate businesses. She thought the ordinance was critically important and she felt all sexually oriented businesses should be supported by the ordinance. She stressed that the regulation of these businesses are necessary to assure that the illegitimate ones don’t become legitimized through the ordinance.

Attorney Anastasi clarified that the 500 ft. rule was a zoning issue and not an issue for the city council, in response to Pat Fardy’s comments.

Stephanie Barnes - stated that some businesses aren’t clean and they pose a risk to youth. She stated they also have the potential for human trafficking of minors – *she read some statistics regarding the exploitation of youth that outlined varied causes that promote human trafficking.* She expressed that the matter pertains to neighborhoods and kids at risk. She said it was important to regulate these types of businesses just like any other business.

Joseph Ianniello – read a statement summarized here. The statement outlined that he endorsed and supported the proposed ordinance. The Black Rock NRZ is working to develop a Village District along Fairfield Avenue that will have family and pedestrian-friendly places that must be an inviting area to attract families and family oriented businesses. His statement outlined that one of the major community recommendations for the Black Rock Strategic Plan was to eliminate inappropriate commercial uses (the plan specifically refers to massage parlors and strip clubs). The licensing of these businesses will ensure that they don’t develop into places where illicit sexual activity occurs. Overall, he was in support of the ordinance and he urged the city council to pass it.

Helen Losak - stated that she was the block watch leader in the Upper East Side. She relayed that she is aware of the establishments Teddie's and Allure in the area and informed of all the negative experiences that happen when these places are operating. She recalled that there have been police raids, drug activity, prostitution and shootings. She said there was also the issue of noise that these places create to the surrounding residents, since these establishments are usually open late hours. She said you will also find bottles, beer cans and drug paraphernalia around the properties the next day, noting that people in the neighborhood got together to clean up the area. She recalled an incident when she saw large letters that read "XXX" painted on the side of a building to promote Teddie's; she noted that Teddie's was eventually shut down. Overall, she emphasized that these places have a leave negative image on the community. She said she supported the ordinance and she further stressed that these establishments don't belong in a residential neighborhood.

Bruce Gallo – stated that he was from New York and he grew up in Brooklyn to make the point that he was familiar with these types of establishments and the related activities. However, he said the game has changed and the owners don't always have control over what goes on in the back room. Overall, he said they are inappropriate places that attract a certain crowd. He expressed that he doesn't care what someone does, just don't do it here!

Jennifer Buchanan - stated that once a business is established, it's almost impossible to get it shut down. She said no ordinance will allow legitimate business to thrive and have crime ridden illegitimate business to close.

Hearing none, the public hearing was closed.

Co-chair Paoletto commented that the matter was a crucial issue. He reminded everyone that a copy of the ordinance would be available in the city clerk's office on Wednesday.

ADJOURNMENT

**** COUNCIL MEMBER MARTINEZ MOVED TO ADJOURN
** COUNCIL MEMBER BONNEY SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 7:05 pm.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services